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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,143	06/14/2001	Michael S. Ardito	10002467-1	8103

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07/08/2002

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2861

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,143

Applicant(s)

ARDITO, MICHAEL S.

Examiner

Michael P Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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DETAILED ACTION

The Amendment filed April 30, 2002 has been acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 11, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuma et al. (US 5,701,995).

Higuma et al. discloses all the claimed features of the invention including:

- a package assembly (Figs. 7-9) for an ink-jet ink reservoir (1) and a method of removing a label from an inkjet reservoir (Figs. 7-9), comprising:

- an ink jet ink reservoir (1) having a fluid orifice (2);
- an label (5) removably and adhesively bonded to the reservoir and sealing the

orifice (Fig. 6b);

- pouch material (21) sealed to form a chamber surrounding the reservoir (Fig. 7), the label being bonded to a wall of the chamber (5a, 5b bonded to wall of 21) surrounding the reservoir (Fig. 7),
- the pouch material has longitudinal seal located directly opposite from the label (top to bottom seal of left side of 21 opposite 5, Fig. 7, left side has no opening or is sealed),
- the label has a lateral margin of deadened adhesive at one end (5a, 5b) so that when the label and pouch material are removed from the reservoir the bond between the pouch material and the label is substantially in shear (pulling force of 21 against resistance force of 5 at 5a, 5b, Figs. 9) and the bond between the label and the reservoir is substantially in tension (5 is pulled away from 1, Fig. 15),
- said wall having a plurality of margins (left and right edges of 21) around its periphery and the label is sized to be within said margins (Fig. 7).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higuma et al. in view of Olsen et al. (US 6,012,807).

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Higuma et al. does not disclose that the deadened adhesive is a layer of polyester located between the label and the reservoir.

Nevertheless, Olsen et al. discloses an adhesive being a layer of polyester located between the label and the reservoir (column 27, lines 9-12) for the purpose of providing improved resistance to the corrosive effects of ink.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Higuma et al. with a layer of polyester as disclosed by Olsen et al. for the purpose of providing improved resistance to the corrosive effects of ink.

Allowable Subject Matter

3. Claims 6-8 are allowed.

Reasons For Allowance

4. The combination as claimed wherein a removable label comprising the claimed laminate layers (claim 6) is not disclosed, suggested, or made obvious by the prior arts of record.

Response to Arguments

5. Applicant's arguments filed April 30, 2002 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejection, Applicants argue that Higuma does not disclose or suggest bonding a sealing tape to a wall of the chamber surrounding the reservoir.

Examiner's position is that Higuma teaches bonding a sealing tape (5) to a wall (wall of 21) of the chamber surrounding the reservoir (Fig. 7).

Applicants further argue that Higuma does not disclose or suggest putting the longitudinal seal directly opposite the sealing tape.

Examiner's position is that Higuma teaches a longitudinal seal (left edge of 21) directly opposite the sealing tape (Fig. 7).

Newly amended claims have been considered (see above discussion).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

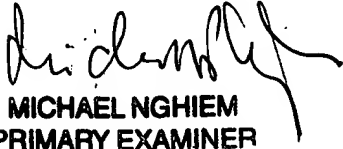
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached at (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

July 3, 2002